

Message Text

CONFIDENTIAL

PAGE 01 USUN N 01720 231838Z

15

ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 /158 W

----- 079028

R 231734Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 7062

C O N F I D E N T I A L USUN 1720

FROMLOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: MARINE SCIENTIFIC RESEARCH, BRENNAN GROUP-
APRIL 20

1. BRENNAN GROUP CONTINUED DISCUSSION OF MARINE SCIENTIFIC RESEARCH (MSR) FOCUSING ON ARTICLES 14, 19, 20 AND 21 OF EVENSEN TEXT. THE CHAIRMAN STATED THAT THERE WAS TIME FOR TWO MORE MEETINGS BEFORE YANKOV STARTED DRAFTING A NEW VERSION OF THE SNT ON APRIL 26. HE ALSO SUMMARIZED HIS VIEW THAT CONSENT REGIME NOR A NOTIFICATION REGIME WERE ADEQUATE BASIS FOR COMPROMISE, STATING THAT CONSENT MUST BE REQUIRED FOR SOME RESEARCH BUT NOT ALL. TWO AREAS HE IDENTIFIED AS IN NEED OF SOLUTION WERE THE PROBLEM OF SECURITY OR VITAL NATIONAL INTERESTS AND THE QUESTION OF DISPUTE SETTLEMENT.

2. CANADA NOTED THAT ARTICLES 15 AND 16 SET FORTH ELABORATE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 01720 231838Z

PROTECTION OF COASTAL STATE INTERESTS WHICH THEY VIEWED

AS ADQEUATE BUT RECOGNIZED THAT SOME STATES FELT THAT GREATER PROTECTION WAS REQUIRED. CANADA SUGGESTED THAT IN ARTICLE 19 THE COASTAL STATE SHOULD HAVE THE RIGHT TO OBJECT IF THE RESEARCH QUOTE CONTRAVENES THE PRINCIPLES OF THIS CONVENTION UNQUOTE. KENYA EXPRESSED AGREEMENT WITH THE CHAIRMAN'S SUMMARY THAT NEITHER CONSENT REGIME NOR NOTIFICATION REGIME OFFERED THE BASIS FOR COMPROMISE. TANZANIA SAID THE COASTAL STATE MUST HAVE THE FINAL RIGHT TO STOP OR SUSPEND THE RESEARCH IF IT BELIEVES ITS NATIONAL INTERESTS ARE AFFECTED ADDING THAT HIS LELEGATION HAD GREAT DIFFICULTY WITH DISPUTE SETTLEMENT PARTICULARLY IN THE ECONOMIC ZONE. TANZANIA PROPOSED THAT IN ARTICLE 20 THE COASTAL STATE HAVE THE RIGHT TO SUSPEND A RESEARCH PROJECT QUOTE IF IT DETERMINES THAT THE RESEARCH PROJECT IS CARRIED ON IN A MANNER PREJUDICIAL TO ITS VITAL INTERESTS, ESPECIALLY THOSE OF NATIONAL SURVIVAL. UNQUOTE.

3. BRAZIL DISAGREED THAT A CONSENT REGIME COULD NOT FORM THE BASIS FOR A COMPROMISE STATING THEY WOULD PLACE SAFEGUARDS FOR THE RESEARCHING STATE IN THE CONSENT REGIME. BRAZIL ADDED THAT THEY COULD ACCEPT AN INCONCLUSIVE RESULT FROM THE BRENNAN GROUP DISCUSSIONS WITH THE CHAIRMAN PRODUCING A NEW SNT WHICH THEY WOULD LOOK AT IN CONJUNCTION WITH THE REST OF THE TREATY AND SEE IF IT WAS ACCEPTABLE. NORWAY INTERVENED TO SUGGEST THAT THE COASTAL STATE SHOULD HAVE THE RIGHT TO OBJECT IF THE RESEARCH QUOTE WAS NOT COMPATIBLE WITH THE GENERAL PROVISIONS OF THIS PART. UNQUOTE. INDIA IN A BRIEF INTERVENTION STATED THAT HER TWO CONCERNS WERE RESOURCES AND SECURITY ADDING THEY WOULD NOT ACCEPT DISPUTE SETTLEMENT FOR THEIR SECURITY CONCERNS.

4. USSR STATED THAT HEY PROPOSED L.26 TO AVOID COASTAL STATES REFUSING CONSENT ON PURELY IDEOLOGICAL OR POLITICAL GROUNDS. THE SOVIETS REITERATED THEIR CONCERN THAT THE ECONOMIC ZONES NOT BE A SECURITY ZONE STATING THIS WOULD JEOPARDIZE THE ENTIRE CONVENTION. ANY RESEARCH HAVING ANY RELATIONSHIP WHATSOEVER TO RESOURCES SHOULD BE UNDER A CONSENT REGIME, THE SOVIETS SAID, ADDING THAT THIS WAS NOT A CONCESSION FROM THEIR DELEGATION. THE USSR REITERATED ITS WILLINGNESS TO CONSIDER THE INDIAN

CONFIDENTIAL

PAGE 03 USUN N 01720 231838Z

AMENDMENTS SEEING THEM AS THE ONLY BASIS FOR COMPROMISE. MEXICO AGREED THAT THE ECONOMIC ZONE WAS NOT A SECURITY ZONE NOTING THERE IS PROTECTION FOR COASTAL STATE SECURITY IN OTHER FORUMS SUCH AS THE SECURITY COUNCIL.

SHERER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEE MEETINGS, MEETING REPORTS, OCEANOGRAPHIC RESEARCH
Control Number: n/a
Copy: SINGLE
Draft Date: 23 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN01720
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760155-1060
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760427/aaaaawkg.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by ShawDG>; APPROVED <15 SEP 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: MARINE SCIENTIFIC RESEARCH, BRENNAN GROUP- APRIL 20
TAGS: PLOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006